

September 22, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written *Ex Parte* Communication in MB Docket No. 16-42 and
CS Docket No. 97-80 – *In the Matter of Expanding Consumers’ Video Navigation
Choices; In the Matter of Commercial Availability of Navigation Devices*

Dear Ms. Dortch:

This letter is submitted on behalf of WideOpenWest Finance, LLC (“WOW”) and Mediacom Communications Corporation (“Mediacom”) to supplement the September 20, 2016 *ex parte* letter filed by Mediacom in the above-referenced dockets which describes the burdens that will be imposed by the Chairman’s proposal to require cable operators with between 400,000 and one million subscribers – a category that currently includes only Mediacom and WOW – to comply with a new “Apps” rule within four years, rather than exempting them completely as had been recommended by NCTA and ACA.¹

On September 21, 2016, Amazon.com Inc. (“Amazon”) filed a letter with the Commission describing a market-driven Apps rule compromise proposal that would establish a one-year compliance deadline for operators with more than one million subscribers and exempt all operators below that threshold.² Mediacom and WOW submit that Amazon’s express agreement with the cable industry that one million subscribers is a “reasonable threshold”³ for

¹ Letter from Seth A. Davidson, Counsel to Mediacom Communications Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 16-42 and CS Docket No. 97-80 (Sep. 20, 2016). WOW has authorized the undersigned to confirm that it generally concurs with Mediacom’s description of those burdens.

² Letter from Gerard J. Waldron, Counsel to Amazon.com Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 16-42 and CS Docket No. 97-80 (Sep. 21, 2016).

³ *Id.* at note 2.

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distinguishing between the operators that would be subject to or exempt from the new rules is a significant development. Not only does the record now contain support from both the cable industry and a major device supplier for a full exemption for operators between 400,000 and one million subscribers, but there also is nothing in the record that refutes that proposition or demonstrates that an exemption threshold of 400,000 would be more rational or appropriate. Accordingly, the one million subscriber threshold should be adopted regardless of whether the Commission adopts the Amazon market-driven proposal (or some variant thereof) or the Chairman's current or original approach (or some variant thereof).

If there are any questions regarding this matter, please communicate directly with the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seth A. Davidson', with a long horizontal flourish extending to the right.

Seth A. Davidson

cc: Jessica Almond
Gigi Sohn
David Grossman
Marc Paul
Robin Colwell
Matthew Berry
John Williams